IN THE UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

MARY ANN BAUER,	
Plaintiff,	Case Number 3:18-cv-1293
v.)	Judge Richardson
MICHAEL S. FITZHUGH, BERNARD SALANDY, and	Magistrate Judge Holmes
RUTHERFORD COUNTY, TENNESSEE,)	JURY DEMAND
Defendants.)	

MOTION FOR LEAVE TO AMEND COMPLAINT

The plaintiff, **MARY ANN BAUER**, by her undersigned attorney, and pursuant to Fed. R. Civ. P. 15(2), moves for leave to amend her complaint by filing the attached document captioned Amended Complaint, and says:

- 1. The defendants filed their MOTION TO DISMISS (Doc. No. 15) in the afternoon of February 19, 2019, prior to the initial case management conference on February 20, 2019.
- 2. At the time of the initial case management conference, the undersigned had not yet seen the motion to dismiss, but it was among the first items of discussion at the conference.
- 3. The option to file an amended complaint in response to the motion to dismiss was discussed, and the undersigned made a note from that discussion that the amended complaint would need to be filed by March 21, 2019, and would thereby render moot the motion to dismiss.
- 4. The undersigned believes now that that note was in error and that, indeed, the provisions of Fed. R. Civ. P. 15(1) would permit the filing of an amendment "as a matter of course"

only within 21¹ days of the filing of the defendants' motion to dismiss.

5. This 21-day period expired 9 days ago, on March 12, 2019.

6. The undersigned intended to file an amended complaint, and simply wasn't aware of the

timing error until preparing the amended complaint this date, not understanding the basis

for his noting March 21 as the date by which same needed to be filed.

7. The undersigned has prepared for filing the attached AMENDED COMPLAINT, and perceives

that it fairly adapts the original complaint to the issues raised in the defendants' motion to

dismiss.

8. For the foregoing reasons, the plaintiff requests that the Court deem that justice requires

the leave requested herein.

Respectfully submitted,

MACPHERSON & YOUMANS

by s/ Robert D. MacPherson

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Attorney for the plaintiff

CERTIFICATE OF SERVICE

I hereby certify that, on the 21st day of March, 2019, service of a copy hereof was made upon Filing Users through the Electronic Filing System. The specific persons upon whom service is made are **E. Evan Cope** and **Nicholas Clinton Christiansen**, Hudson, Reed & McCreary, PLLC, 16 Public Square North, Post Office Box 884, Murfreesboro, Tennessee 37133, attorneys for the defendants.

by s/ Robert D. MacPherson
Robert D. MacPherson

¹ This "21" day period may have been the source of the undersigned's note referencing March "21"